

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – July 12, 2005 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chair
Blaine Smith
Ted Jensen
Aimee Newton
Kristie Overson
Dama Barbour
Joan Rushton-Carlson

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Nick Norris, City Planner
Dan Udall, City Planner
Jean Gallegos, Secretary/Recorder

PUBLIC: Craig Sandberg, L. Heglals, Keith Tripp, Sandra Tripp, Patty Nichols, Bonnie M. Hatch, LaNae Bolton, Pat Powell, Mary Ann Cederholm, R. Pitcher, Sherm Woods, Joe B. Gallegos, Becky Slade, Ben Slade, Crystal Barney, Boyd Barney, Margie Firth, Charles V. Firth, L. Rogers, Troy Gehart, Linda Atkinson, Ross Atkinson, Marilyn Allred, Joyce Jones, Don Hullinger, Allen Ansons, Judy Ansons, Steve Cross, Marsha Cross, Steven Larsen, Laurone Larsen, John Duran, Jennie Duran, Laura Tolman, Ivy Falkner, Debbie Rufner, Brandon H. Rufner, Jim Allen, Vickie Allen, Lolene Dearden, Mark Staples, Betty Staples, Brenda Nape, Sarah Elkin, Cindie Sommer, Arlene Aray, Blaine Bowles, Dolores Vaude Vegaete, Suzette Bowles, Brent Bowles, Nan Marsh, Lloyd Lynengen, Joan Lynengen, Ralph Mackay, Leni Mackay, Dale Mackay, Ken Mackay, Sharon Ray, Camille Bradley, Dan Supath, Paul Sommer, Walter Varde Veyoto, Mike Bednarz, Tammy Robinson, Sheila Robinson, Chein Sheghel, Gay Sheghel, Elaine Anderson, Linda Hardman, Gerald Hardman, Rick Jaynes, Launa Jaynes, Mel Kaufman, Joyce Kaufman, Val Jensen, Marjorie Jensen, B. T. Choe, Joseph Franz, Joe Cacon, Jennifer Morrill, George Hampton, Ken Cook, Ingrid Hudson, Elliott Smith, Patsy Furster, Dexter Whipple, Chet Nichols, Jana Francis, Chelcia Talavera, P. Kruger, Orlando Nelson, Dan Remington, Greg Huntington

[19:08:53](#)

WELCOME: **Commissioner Calacino** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:00 p.m.

CONSENT AGENDA

MOTION: [19:11:53](#) **By motion of Commissioner Newton and second by Commissioner Barbour, Agenda Item #2 for Application 22H05, Chelcia Talavera (Family Day Care), was moved to the regular session to receive public comment. All Commissioners voted in favor.**

1. **MINUTES:** Review/Approval of Minutes for June 14, 2005.

MOTION: [19:12:24](#) **Commissioner Overson - I move for approval of the Minutes for June 14, 2005 with minor corrections given to the recorder in the pre-meeting. SECOND: Commissioner Barbour. All Commissioners voted in favor of approving the consent agenda, including the Minutes for June 14, 2005.**

HOME OCCUPATIONS

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| 2. | 22H05 | <u>Chelcia Talavera, 4618 South Hemlock Drive (1665 West)</u> – Family Day Care.
Dan Udall – City Planner |
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2.1 [19:13:22](#) **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting a family child day care for a maximum of five children per day. The proposed hours of operation are from 7:00 a.m. to 5:00 p.m., Monday through Friday. The applicant has an existing two-car driveway that can park up to four vehicles and there is a perimeter fence surrounding the rear yard.

2.2 Staff recommends approval with the following conditions:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That a maximum of five children can attend the family day care home occupation each day. The designated number of children includes the caregiver's own children under the age of six who are not yet in full day school.
3. The home occupation is subject to review upon complaint.
4. The outdoor play area shall consist of a minimum of 40 square feet in area per child. That the hours of operation for the outdoor play area shall not exceed 8:00 a.m. to 8:00 p.m.
5. The outdoor play area shall be secured by an appropriate, well-maintained fence not less than four feet in height. The Planning Commission may require a fence that exceeds four feet in height as it determines necessary. This fenced in area includes the usable rear yard for the home.
6. The dwelling unit should provide an indoor play area at a minimum of 35 square feet in area per child.
7. A minimum of two parking spaces shall be provided for clients, customers or patrons in addition to required residential parking.
8. A maximum of one name plate sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.
9. That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes.
10. The dwelling unit and landscaped areas shall be well-maintained before the applicant can receive a business license.
11. That the hours of operation for the home occupation shall not exceed 6:00 a.m. to 8:00 p.m.

2.3 APPLICANT ADDRESS: Mrs. Talavera was present and asked for approval for five children in day care with the option in the future to increase to eight. [19:15:50](#). **Commissioner Overson** advised her that included her own children under the age of six and asked about the status of the wall on the north side of her home. Mrs. Talavera replied that they planned to enclose that in the future, however, the area where the children would be playing is now totally enclosed.

2.4 SPEAKING: None.

2.5 CLOSED FOR DISCUSSION OR MOTION.

2.6 MOTION: [19:18:21](#) **Commissioner Rushton-Carlson** - I move for approval of application 22H05 for five children.
SECOND: **Commissioner Newton.**
VOTE: All Commissioners voted in favor. Application was approved unanimously.

3.	21H05	<u>Launa Jaynes, 5768 South Ferron Circle (2730 West)</u> – Family Day Care. Nick Norris – City Planner.
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3.1 [19:18:46](#) **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting a Class D3 Home Occupation Conditional Use Permit for a family day care for up to six children per day. The applicant is currently operating a day care and would like to increase the number of children per day to 12. The hours of operation are proposed to be from 8:00 a.m. to 5:00 p.m., Monday through Friday. The City has not received any complaints regarding the operation of the day care at this residence.

3.2 Staff recommends approval subject to the following conditions:

1. That the applicant receives approval and remains compliant with all applicable reviewing agencies.

2. That the applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.057 Specific Operational Requirements –Class D Home Occupation.

3. The hours of operation are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

4. The outdoor play area is to be used no earlier than 8:00 a.m.

5. No more than 12 children, including the caregiver's own children under the age of six and not yet in full day school, attend the day care.

6. That, due to the number of children, a second care provider is required.

7. That the child drop off area be located in the driveway and that a safe means for the children to access the dwelling be provided.

8. That the day care not detract from the residential character of the dwelling.

9. That only a name plate sign, attached to the main building and no larger than three square feet be allowed.

10. That the conditional use permit is reviewed upon substantiated or unresolved complaint.

3.3 **APPLICANT ADDRESS:** **Mrs. Jaynes** was present and advised that she has been in this business this for a long time [19:20:54](#). She has a separate entrance and an assistant who lives close by.

3.4 **SPEAKING:** None.

3.5 **CLOSED FOR DISCUSSION OR MOTION:**

3.6 **MOTION:** [19:21:32](#) **Commissioner Newton - It appears that this home occupation has created no problems in the past, therefore, I recommend approval.**
SECOND: [Commissioner Barbour](#)
VOTE: All Commissioners voted in favor. Application is approved unanimously.

GENERAL PLAN MAP CHANGES

4. 7G05 Elliott Smith – General Plan Map Amendment from Professional Office to High Density Residential. Dan Udall – City Planner.

4.1 [19:22:24](#) **Mr. Udall** oriented on the site plan, aerial map and images. This request is for a property located at 2099 West 4700 South where the applicant desires to eventually build 73 detached single-family residential units as a planned unit development. The 7.7 acre property is currently vacant.

4.2 **Planning Staff recommends denial due to the following findings:**

1. The Planning Commission recommended a general plan designation of “community commercial” to the City Council in the draft general plan in Dec 2004, including additional properties to the northwest of the site.

2. Because of the lack of vacant viable commercial property in the City, Staff desires additional prime vacant land to be designated as commercial property. This corner site seems prime for commercial uses because of its location adjacent to 4700 South and nearness to the on and off ramps of I-215.

4.3 **Don Adams, Economic Development Director for Taylorsville City, recommends denial due to the following findings:**

1. The Planning Commission recommended a general plan designation of “community commercial” to the City Council in the draft general plan in Dec 2004, including additional properties to the northwest of the site.

2. Goals and policies for the Draft General Plan are inconsistent with the proposed application.

3. The subject site has locational characteristics for commercial uses because of its location adjacent to 4700 South, proximity to a signalized intersection and proximity to the I-215 interchange.

4.4 **APPLICANT ADDRESS:** Elliott Smith (Richmond American Homes) 19:27:18 Mr. Smith advised that they held a neighborhood meeting at the Golden Living Center recently and were happy about the involvement and response from the surrounding neighborhood. He added that their proposal was for medium density or nine units per acre. 19:30:03 Presently Perry Homes owns this parcel, however, their representative was not able to attend the meeting this evening. They have entered into a contract with Richmond American Homes to develop this site and conveyed their desire to move ahead with this project as presented. They have advised that if this project is not approved, they will just continue to hold onto the property for future site development.

4.5 **SPEAKING:** 19:34:47 Before opening up the meeting for discussion, Commissioner Calacino explained that the Planning Commission only makes recommendations to the City Council and they will make the final decision, therefore, there will be another meeting after this one before the City Council. **NOTE:** The Commission was presented with petitions signed by approximately 300 persons expressing opposition to this application at the beginning of this public hearing, which are on file in Community Development.

1. 19:35:01 Ross Atkinson (Lives on Quailstone Drive, which is south of this proposed project). Mr. Atkinson felt this proposal was not different than previous ones. There is no parking available except on the street, no yards, too much cement, and would create a tremendous impact on traffic due to the density. He expressed concern for the safety of children in that neighborhood due to the close proximity of 4700 South. He asked that the proposal for expansion by the Golden Living Center be looked at instead. 19:38:39 He asked that the developer come together with another proposal for some single family dwellings in conjunction with the proposed expansion by the retirement center.
2. Brandon Rufner. 19:40:04 Mr. Rufner felt that Taylorsville City has taken a short sighted view of City Planning and recommended single family dwellings would be a better use for this parcel.
3. Joe Crown (Lives on Quailbrook Drive). 19:42:30 He understood the traffic issues but had a problem accepting commercial development on this site. He felt businesses would not take pride in what the site looks like. 19:45:25 Mr. Crown was in favor of the project as proposed with the 69 homes and did not want anymore commercial in that area.
4. Ken Cook (Former City Council Member) - 19:46:25. Mr. Cook advised that he was previously on the steering committee for the general plan and envisioned professional office space on this site. As a member of the City Council at that time, he had met with the Mayor and Mr. Perry from Perry Homes. Mr. Perry made it clear that they want as much money out of the property as they can get and if necessary would simply hold onto the land until they get it. Mr. Cook wanted to go on record in opposition to this project as proposed.
5. Val Jensen (Lives on Marianna Street) was opposed to the project.
6. Don Hollinger – 19:50:05 (Lives near the Community College). Mr. Hollinger was in favor of this remaining commercial due to traffic safety concerns
7. Bruce Wasden (Former City Council Member) - 19:52:21 Mr. Wasden was in agreement with Mr. Cook's comment that the property owner has no interest in developing this site in a manner that is conducive to the harmony of the neighborhood. Mr. Wasden wanted to go on record in opposition to this proposal as presented.
8. Linda Atkinson 19:56:42. Mrs. Atkinson asked if it would be appropriate to conduct a traffic study to see if this road system would be able to accommodate high density or commercial. Mr. McGrath felt this particular proposal would probably not qualify because this use would be low density in respect to the overall density throughout the City. 20:00:55 Mrs. Atkinson then commented that the Golden Living Center has provided a great service to the community and would like the City of Taylorsville to entertain the option of possibly extending that use onto this property.
9. Sherm Wood (Lives north of this on 2200 West) Mr. Wood has lived in his home for over 40 years and was definitely against residential on that property. His preference was for professional offices.

10. **Vera Elkins** [20:02:54](#) . Felt that this development was being geared towards students of the Salt Lake Community College and was concerned about the number of cars student housing would generate. Her main concern was for the safety of the school children who must pass by there.
11. **Rexene Pitcher** - [20:03:51](#) Her property abuts to the south of this site. She has lived there for 27 years and does not want high density. She supported the prospect that the Golden Living Center would like to extend onto this property.
12. **Paul Sommer** - [20:05:57](#) **Mr. Sommer** felt that commercial would be the least desirable choice for that corner and suggested that the City begin looking at redevelopment proposals to improve the image of the City.
13. **Mike Bednarz** [20:06:37](#) **Mr. Bednarz** said that Mr. Elliott Smith mentioned that the owner of the property doesn't want to develop it as commercial, which would be sensible because there is presently saturation of that in the area. **Mr. Bednarz** added that he was troubled that Taylorsville would want to go ahead with that plan anyway. No more commercial is needed and suggested that the City contemplate banking the land in order to control the use in the future. He felt that as the valley fills out, this land would become a very valuable asset.
14. **Gary Taylor** (Owner of the Golden Living Center). [20:08:48](#) **Mr. Taylor** said they had counted on being able to expand their center. Their facility doesn't impact churches or schools and they have ample parking in place. They have provided an ideal community for the elderly which is family oriented. He asked that the zoning be left as is and let free enterprise work.

4.5 **CLOSED FOR DISCUSSION OR MOTION:** [20:09:39](#)

4.6 **APPLICANT READDRESS:** **Elliott Smith**. [20:09:59](#). **Mr. Smith** advised that there were many comments made that were inaccurate but chose not to address them at this time because they reference mostly site plan issues and not land use. He asked Staff what the lower end of medium density general plan designation was and Mr. McGrath advised that it was six.

4.7 **MOTION:** [20:10:52](#) **Commissioner Rushton-Carlson – Mr. Chairman, I would move for denial of this application the way it is written for medium density. I agree that we should let the market dictate what this will become.**
SECOND: [Commissioner Newton](#)
DISCUSSION:

- **Commissioner Jensen** - Would it be possible to offer a counter recommendation that the City Council be asked to consider allowing for an expansion of the Golden Living Center with single family dwellings in the south area at the same density as the surrounding neighborhood? It is obvious that the citizens have a strong interest in this project. That is the reason I would vote to deny this request. **Commissioner Calacino** - The appropriate place to state your reasons for your vote is when you make your vote. As for specific uses on the property, we don't have the authority to do that, only encourage the developer to consider it as a possibility. Tonight, the only thing before us is the General Plan amendment. We have a recommendation before us to deny the proposed General Plan amendment based on the findings in the Staff report and oral testimony presented tonight that this would not lead to an appropriate land use in the area. [20:13:00](#)
- **Commissioner Barbour** - [20:13:15](#) Mr. Chair, I don't fault the property owner from getting as much as he can out of his property, however, I feel that the zoning that is in place now is the best for the community, so I agree with the motion.
- **Commissioner Calacino** - [20:14:06](#) We have a motion to recommend to the City Council to deny the proposed General Plan amendment based on Staff's findings of fact, oral testimony presented that the proposed high density or even medium density as modified by the applicant is not appropriate for the area. All in favor of that motion please signify.

VOTE: All Commissioners vote in favor. Motion passes unanimously.

DISCUSSION: **Commissioner Jensen** - [20:14:41](#) Mr. Chairman, I would like to explain my vote as voting to deny and to make this part of the public record of this meeting. I have a strong feeling that the

City Council should consider the wishes of the people in expanding the Golden Living Center to the west and allowing single family homes to the south of that which match the currently existing subdivisions in the area, so there is no disruption to what is there, no change in home values, no change in life style and we can still have some commercial property leftover on 4700 South. **Commissioner Overson** - [20:15:10](#) Mr. Chair, I would like to comment that I appreciate that we have a full house tonight and I hope that the citizens who have come tonight will also be represented to the City Council when issues like this are heard. We appreciate you coming to the Planning Commission meetings but it is very important that you also attend the City Council meetings when items that pertain to you are on the agenda. Thank you for being here.

5. 8G05 **2-Ton Plumbing, 1648 West 6200 South** - Recommendation to the City Council to Amend the General Plan Map from Mixed Use to Regional Commercial.
Michael Maloy – City Planner.

5.1 [20:22:06](#) **Mr. Maloy** oriented on the site plan, aerial map and images. The owners, Greg Huntington and Dan Remington are proposing this change in order to facilitate reuse of an existing red brick, single-family residence as a plumbing contractor's office and storage yard.

5.2 **Staff recommends denial with the following findings of fact:**

5.2.1 Regional Commercial General Plan designation reinforces undesirable heavy commercial or quasi-industrial land uses, such as the Redwood Road Recycling Facility rather than professional office or mixed use development as preferred within the current Taylorsville General Plan and proposed General Plan Update.

5.2.2 Plumbing office and storage yard with construction materials, trucks and metal storage containers is not a desirable or appropriate transitional land use between 6235 South and adjacent single-family residential development (Cannonwood Estates).

5.3 **APPLICANT ADDRESS:** [20:26:46](#) Both applicants, Greg Huntington and Dan Remington, were present. They advised that the only storage would be in the back to park the vehicles overnight. It was their opinion that a professional office allowed under the mixed use development zone would have lower impact on traffic and their office hours would be offset to avoid the rush hour traffic. They have had good feedback from their meetings with neighbors. [20:29:34](#) **Commissioner Newton** asked if the use then would be an office with some storage. **Mr. Remington** replied that was true, however, they plan to build a nice new office when finances allow it. [20:30:23](#) **Commissioner Overson** asked if they were operating their business now and was informed by the applicants that they were. It is presently being run as a home occupation out of West Jordan City and that is where their current business license is valid. They are presently working on obtaining their Taylorsville City license for this use. The storage presently on site is contained within movable conex storage units.

5.4 **SPEAKING:** **Jennifer Huntington** - [20:34:31](#) **Mrs. Huntington** advised that her husband has been walking around the neighborhood and found no one in opposition to this business. She felt there needs to be some type of zoning in place where this type of business can be run without so many problems being encountered.

5.5 **CLOSED FOR DISCUSSION OR MOTION:** [20:35:18](#) **Mr. Maloy** commented that the C-3 zone permits this use and the C-2 allows it as a conditional use permit, so there are areas in the City where it is allowed, especially along Redwood Road. A plumbing shop is a specific use, not typically found in a residential area, however, under the right form and right structure it may work out. **Commissioner Newton** advised that does not refer to a retail business plumbing establishment, which is not allowed in a MD zone. **Mr. Maloy** advised that this use would not be a retail shop but rather an office for a plumbing business. **Commissioner Rushton-Carlson** asked where they store their machines used for digging and the applicants replied that they rent them on an as-needed basis.

5.6 **DISCUSSION:** **Commissioner Newton** - I disagree with changing to commercial community but we need to figure out some way for this to work if possible. She asked what a contractor would go under in the General Plan? [20:43:52](#) **Mr. Maloy** advised that within the M-1 Zone it addresses contractor's equipment storage yard or rental of equipment used by contractors. That is more similar to this type of use. If you are just talking contractor's office, the least impact that you could consider tonight would be stepping down to community commercial, which either the C-2 or C-3 Zone are consistent with. If you were to drop down to the MD Zone, which is planned for, it not one of the allowable uses right now. [20:45:03](#) **Mr. Maloy** suggested that community commercial is a possibility here. **Commissioner Newton** expressed no problem with what the applicants have there now but was concerned if they decide to expand [20:45:36](#) and was not in favor of regional commercial there. **Commissioner Calacino** advised

that tonight's hearing is for a recommendation to the City Council for regional commercial, which is more intense. The applicants will still have to come back to this body for a recommendation for zone change. [20:51:02](#)

- 5.7 **MOTION:** [20:51:55](#). [Commissioner Barbour](#) - I would move that we recommend approval of File #8G05, changing "regional commercial" to "community commercial" and move that on to the City Council. [Commissioner Calacino](#) - We have a motion to recommend approval of a General Plan amendment from mixed use to community commercial, not regional commercial as proposed by the applicant. [Commissioner Overson](#) - Question. I am concerned that they are there without a permit and I want to be sure that is made right. Somehow during this process this is going to be taken care of. I feel like we are doing this backwards and I don't understand that. [Commissioner Calacino](#) - The City is putting forth a good faith effort to help them.

SECOND: [20:53:42](#) [Commissioner Smith](#)

DISCUSSION [20:53:58](#) [Commissioner Newton](#) - I am concerned about going to community commercial. I understand that we are trying to help these applicants but it doesn't make sense to add this when it doesn't fit. [Commissioner Barbour](#) - It is not ideal but it is as close as I can come to it. [Mr. Maloy](#) - If this is approved, we are prepared for accepting a C-2 or potentially a C-3 Zone on 6235 South. [Commissioner Newton](#) - That basically opens it up to be sold and a 7-11 type store could go in there. We have to look at proper planning here and the bigger picture. It is not right to go to that length just to help one individual business. [Commissioner Calacino](#) - [20:55:11](#) I agree with that. We have spent a lot of time looking at the City and various areas and our General Plan and have spent over a year on the steering committee, so we don't take our responsibility lightly. The bigger picture is that if we tend to lean towards one land use designation over another that then goes towards a particular zone on a property which opens it up to a bunch of specific uses. [20:55:11](#) We need to be careful and not get caught up in a specific use. What could this lead to if this particular use goes away? We have a decision to make - do we go with a land use designation that could open up to medium and high intensive commercial uses or do we stay with what was originally recommended and try to stay with office/mixed use in the area? We must look to the future. [Commissioner Jensen](#) - [20:56:54](#) I live in that area and over the past seven years since I have lived there, that home has been in serious decay and the lots around it have been unkempt and this proposal is actually a step up so I am willing to give them encouragement and faith that they are going to go with something that the community would like. If you can put a fire station in a residential area and not have it look like a fire station, why can't you put a plumbing shop in a neighborhood and make it not look like a plumbing shop? It is a tough question. I want to give them an even break. [Commissioner Calacino](#) - I think if it stays "office", you could build an office complex there which could house the dispatch center for this business and possibly in the future have a building to store their equipment therein. We have a motion and second, we need to take a vote. [Commissioner Jensen](#) - Clarify for me what community commercial means and if it would include something like this. [Commissioner Calacino](#) read the definition verified that it would.

[20:58:54](#) [Commissioner Calacino](#) re-stated the motion. To recommend to the City Council to approve a General Plan amendment for this specific property from mixed use to community commercial, not regional commercial as proposed by the applicant.

VOTE:

Commissioner Overson	NAY	Commissioner Smith	NAY
Commissioner Newton	NAY	Commissioner Barbour	AYE
Commissioner Jensen	AYE	Commissioner Rushton-Carlson	NAY

Motion dies by a vote of 4-2.

- 5.8 **MOTION #2** - [Commissioner Newton](#) - [21:00:40](#) I move that we send a negative recommendation to the City Council on approving this. I recommend denial based on the findings that are in the Staff report regarding the regional commercial zones, reinforcing undesirable commercial uses there.

SECOND: [Commissioner Overson](#)

VOTE:

Commissioner Overson	AYE	Commissioner Smith	NAY
Commissioner Newton	AYE	Commissioner Barbour	NAY
Commissioner Jensen	NAY	Commissioner Rushton-Carlson	AYE
Commissioner Calacino	AYE (To break the 3 to 3 tie)		

Motion passes 4 to 3.

GENERAL PLAN TEXT CHANGE **ZONE CHANGE**

NOTE: [21:03:05](#) **Commissioner Overson** excused herself from hearing this item due to conflict of interest. She also did not participate in the pre-meeting discussion and did not speak with anyone relative to this. [21:03:28](#)

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| 6. 6G05 Brent Overson - Recommendation to the City Council for a General Plan Text Change to Allow Zoning to Change for Property located at 5161 South 1130 West. Dan Udall - City Planner. |
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| 7. 12Z05 Brent Overson - Recommendation to the City Council for a Zone Change from A-2 to A-1/ZC. (Zoning condition requiring lots be a minimum of a half acre). Property located at 5161 South 1130 West). Dan Udall – City Planner |
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7.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant for these proposals is asking for a general plan text amendment on property that is located in the 4800 South Small Area Master Plan that was adopted by the City Council in May 2001. That plan states to “Maintain existing zoning throughout the Study Area, with the exception of the Richardson Property (currently identified as the Meadows at Hidden Cove, Phase 4 Subdivision), where zoning should be modified to A-1/zc. The “zc” or zoning condition would allow the minimum size lot to be a half acre. The parcel is 4.3 acres total.

7.2 **Staff Recommendation (6G05):** Approval of the general plan text amendment with the following conditions:

1. There needs to be stub streets to the north and south to access vacant property to the north and south and the 4800 South Small Area Master Plan calls for a long-term future access road option to the Richardson Property (currently the Meadows at Hidden Cove Phase 4 Subdivision).
2. The road should be a public street so it will be consistent with the stub road at Meadows at Hidden Cover Phase 4 Subdivision. A street with sidewalks would also allow pedestrian access.
3. The lots need to be a minimum of a half-acre.

7.3 **Staff Recommendation (12Z05):** Approval with the following condition: The lots need to be legitimate half-acre lots, or the lots should not include access easements or the road within the lot size.

7.4 **APPLICANT ADDRESS:** [21:15:30](#) **Brent Overson** - **Mr. Overson** said that the Small Area Master Plan was in response to the Ed Richardson property and Greg Larsen developing the area, at which time a moratorium was emplaced. [21:16:26](#). **Mr. Overson** lives in this area and knew there was a concern about possibly installing curb, gutter and sidewalk, which the neighbors do not want in order to maintain the rural characteristic of the area. Zoning has changed twice recently and the idea brought forward to connect the road to 1130 West. The City had ample chance to address that connection road through Millrace Park when it went in and the idea of a road connecting through Hidden Cove was apparently an afterthought. **Mr. Overson** was opposed to installing a stub road to connect to Hidden Cove.

7.5 **SPEAKING:**

1. **Sheila Robinson** [21:26:15](#). **Mrs. Robinson** has an acre lot and doesn’t want that changed. The streets are very dangerous because they are so narrow and she did not want to see additional traffic funneled through there. [21:27:21](#)
2. **Jan Francis** (Lives on 1130 West north of Kevin Olson’s property) [21:28:06](#). Her main concern was that 1130 West being as narrow it is, adding 18 more cars would create serious safety concerns. She lives at the top of the hill and puts traffic cones out to warn motorists to slow down as it is. Although she knows that it will be developed someday, she asked that the City stick to what the residents want, which is acre lots. [21:30:17](#) **Commissioner Rushton-Carlson**

asked if her preference was for acre lots or half acre and **Mrs. Francis** indicated that acre lots was preferred, however, half acre would be acceptable.

3. **Pam Robinson** - [21:31:14](#) **Mrs. Robinson** said that they had attended the meetings regarding the Small Area Master Plan and that the lot sized agreed to was an acre. She wanted to know why the change was contemplated at this point. [21:32:21](#) **Commissioner Calacino** explained that due process allows the right for people to request to make changes, which is the case here. It is a continuation of the whole public process. That is why it is important for citizens to continually be involved in projects involving their area. **Mrs. Robinson** expressed concern that they are not receiving mailing notices regarding these projects. **Commissioner Calacino** asked her to check with Staff to make sure she is on the appropriate list.

7.6 **CLOSED FOR DISCUSSION OR MOTION:** [21:33:13](#)

7.7 **DISCUSSION:**

- [21:33:40](#) **Commissioner Rushton-Carlson** felt that any General Plan change should not be taken lightly, however, recognized that there are differing situations which must be addressed. She also expressed concern that neighbors are apparently not getting appropriate notice.
- [21:35:25](#) **Commissioner Calacino** said that in reviewing General Plan amendments he looks to see if something substantial has happened to warrant a change. Unless that occurs, it would be difficult for him to find a reason to contemplate a change and that includes both of these proposals.
- [21:35:56](#) **Commissioner Barbour** commented that the Commission has made these type changes for other people. **Commissioner Newton** asked if fact had set any type of precedence. **Mr. Udall** advised that there have been two subsequent changes to the Small Area Master Plan for this area involving different lot sizes. [21:37:55](#)
- **Mr. McGrath** suggested that the previous changes were not considered arbitrary because they were all adjacent to an existing A-1 zoning which established a rhyme and reason for the decisions made.

- 7.8 **MOTION:** [21:44:24](#) **Commissioner Barbour** – Mr. Chair, I move that we forward to the City Council a positive recommendation for approval of Applications 6G05 and 12Z05, changing the General Plan Text Amendment to amend zoning and a zone change from A-2 to A-1/zc meaning at least half acre lots are required.

SECOND: **Commissioner Newton**

DISCUSSION: **Commissioner Calacino** restated the motion: [21:45:25](#) The motion is to basically send a positive recommendation to the City Council for a proposed General Plan Text Amendment for the 4800 South Small Area Master Plan for the subject property excluding it from the text that is requiring it to keep the zoning as is and then a positive recommendation to the City Council for the same subject property (12Z05) modifying the zoning from A-2 to A-1 with a zoning condition attached to maintain the lot sizes at half acre or larger. **Commissioner Barbour** - [21:46:14](#) The reason for making the motion is that I believe that we set a precedent and it would be very unfair to this property owner to not consider their request the same as we have the others. **Commissioner Calacino** - [21:46:33](#) I believe the recommendations we are sending forward will meet the intent of the Small Area master Plan as well as preserving the character of the area with half acre lots. As to the specific design and development of the property, we will see that during the subdivision phase.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

CONDITIONAL USE

- | | | |
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| 8. | 25C05 | Jack Lucas, 1286 W. and 1290 W. Winchester Street (6685 S.), 6615 S., 6647 S. 6657 S. 1300 West. - Conceptual review of a conditional use permit to construct 55 single-family attached residential units within an R-M Residential Zone.
Michael Maloy – City Planner. |
|----|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- 8.1 [21:48:15](#) **Mr. Maloy** oriented on the site plan, aerial map and images. Applicant is requesting conceptual review this evening. The property is essentially owned by two different development companies;

however, both parties have agreed to jointly develop the properties as a single project with compatible architectural design and site planning within both portions of the project.

8.2 Staff does not make recommendation on conceptual review, nor is a motion required, however, Staff strongly encourages each Commission member to carefully review the attached conceptual plan for comment during the meeting this evening. Following is Staff's analysis:

1. The proposed development has been discussed numerous times before the Planning Commission during previous public hearings for a General Plan Map Amendment and Zoning Map Amendment, both of which were recently and unanimously approved by the City Council.
2. Additionally, the applicant appeared before the Planning Commission during a work session held on June 28, 2005 to discuss the outcome from a "design charrette" hosted by the Community Development Department, which was held immediately prior to the Commission's June work session. The design charrette was intended to seek design solutions that would accomplish the objectives of all parties involved. Unfortunately, the meeting only clarified the differences between the objectives of the development team(s) and the design solutions advocated by the Community Development Department.
3. Although the applicant and staff have repeatedly and willingly agreed to discuss the design of the subject property, staff does not feel that the project has matured in a manner that warrants support from the Community Development Department. In general, staff is concerned with the following planning and design issues:
 - **Building orientation.** Taylorsville City Code discourages the development of double-frontage lots due to negative impacts on neighborhood aesthetics and maintenance of adjacent public improvements. In general, staff believes that buildings should be sited to address primary roads and designed to take advantage of easterly views of the Salt Lake valley. Staff has not seen the applicant experiment with site plan or building designs that would accommodate rear or side loading garages; though such designs would have significant impacts on the development proposal. Staff believes that the concept is worthy of serious consideration by the applicant.
 - **Building elevations dominated by garage doors.** If the project continues to employ a design that heavily relies on front loading garages, staff is very concerned with the negative impacts caused by the prominence of garage doors (such as architectural elevations, sense of community, and pedestrian unfriendly streets). It is recommended by staff that the applicant develop design solutions to respond to these issues.
 - **Streetscape.** Due to the number and proximity of driveways, opportunities for quality landscaped pedestrian-friendly streetscapes will be severely limited unless the conceptual plan is modified. Pedestrian amenities and public safety are also negatively impacted by the proposed conceptual plan.
 - **Site planning, open space and common amenities.** Due to the nature of the development, the project will include open space and common amenities. Spatial planning should be a primary objective of the development and not an afterthought. The conceptual site plan does not appear to elevate this element of the project as a primary design objective.
 - **Compliance with R-M zoning regulations.** The applicant has indicated to staff their intention to develop the project as a "dwelling group", which is a conditional use within the R-M Residential zone.

8.3 **APPLICANT ADDRESS:**

8.3.1 **Jack Lucas**. 22:02:36 **Mr. Lucas** said he was committed to create a quality project on this site and has hired the best professional direction in the State of Utah and they will address this Commission tonight to answer questions. 22:04:16

1. **Aaron Holt (Architect)**. 22:04:45 **Mr. Holt** gave a visual presentation with images of similar type projects. He advised that they have incorporated many of staff's recommendations from previous meetings, including porches, and less emphasis on garages.

2. **Commissioner Overson** expressed concern that this project is still being planned with two separate owners on two different parcels but being presented as one project. That restricts where the road can be placed. She also wondered what would happen to the “L” shaped proposal of Mr. Lucas if the other parcel is not subsequently developed. **Mr. Lucas** said both developers are working well together and it will be a very nice quality project. All Commissioners still expressed concern that both proposals need to be completed at the same time and have received no assurances that will happen. [22:23:29](#)

8.3.2 **Dave Kilpack 22:24:45** (Representing Prolifica – the owner of the second parcel). **Mr. Kilpack** assured the Commissioners that they will continue to work on the architecture to make this a quality project. Since they are working with only two acres, they can dress up the backs of the units but would prefer to not have frontage along Winchester Street. They are committed to work together with Mr. Lucas to make this whole parcel a quality project.

1. [22:26:49](#) **Commissioner Overson** expressed concern about it being harmonious with the other part of the development and was troubled by the fact that this is the only option with regard to roads. There needs to be something creative in that endeavor. She was also very concerned about landscaping around the borders and maintaining safety of the public.
2. [22:27:55](#) **Commissioner Smith** wanted assurance that coordination would be in place between the two companies to finish at the same time and also to make sure the architecture between the two projects is compatible.
3. [22:28:25](#) **Commissioner Newton** emphasized the need for quality of architecture when they come back in for approval. This needs to be more pedestrian friendly and to have quality green space. She also suggested clustering of the structures.
4. [22:31:10](#) **Commissioner Barbour** added that there was nothing about this project to appeal to families with small children. She liked the look of the homes but not the way they were arranged, in a row.
5. [22:32:35](#) **Commissioner Jensen** was concerned about the height of the roofs but added that this project has come a long way since the Commission first saw the proposal.
6. [22:33:36](#) **Commissioner Rushton-Carlson** wanted more information relative to projected trails, especially along the Jordan River Parkway.
7. [22:34:20](#) **Commissioner Calacino** expressed the following concerns: The property line problem is prohibiting a good design on this site. The proposed development is not taking advantage of the tremendous view from that site. The vehicular and pedestrian circulation patterns are inadequate. The “L” shaped piece being developed by Mr. Lucas is all road and all building. The two acre piece is where the only open space is and that is tucked in two corners and in the middle of the parking lot. He was not concerned at this point with the architecture of the buildings because he felt that would come dictated by the market. His concern was the overall design of the site. He saw two separate projects trying to be connected with one 25’ wide access road off of one street. All those people living in the “L” shape section will bear the brunt of all the traffic coming out of the private cul-de-sac. If they are intended to be two separate developments then they should stand on their own, each with open space, each with recreational amenities, each having their architecture and views of the valley. But to tell the Commission that it is a five acre development with three acres for one and two acres for the other and with no strong commitment to work together at all is a problem. While there has been some improvement in the project, most of the original hurdles are still there. [22:35:34](#) This project still has a long ways to go.

8.4 Inasmuch as this is a conceptual review, no motion is required.

EXCEPTION TO HIGHWAY ORDINANCE

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| 9. | E-1-05 | <u>Brian & Becky Shade – 3262 West Westbrook Drive</u>
<u>Boyd & Crystal Barney - 3274 West Westbrook Drive</u>
Recommendation to the City Council regarding an exception to the Highway Ordinance. Nick Norris – City Planner. | Highway |
|----|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

9.1 [22:39:53](#) **Mr. Norris** oriented on the site plan, aerial map and images. Applicants are requesting an exception to the Highway Ordinance for the following items:

1. Ordinance 14.12.110.B.D. which requires drive approaches be at least 5 feet from a side property line at the front lot line.
2. Ordinance 14.16.020 which requires a permit for all excavations done in the public right-of-way; and,
3. Ordinance 14.16.040 "Fees" which requires a fee and a bond for all excavations done in the public right-of-way.

9.2 **Findings of Facts:**

1. Ordinance 14.12.110.B.D. requires all drive approaches to be at least 5 feet from the side property line at the front lot line. The area is fairly flat and there are no unusual topographical features to satisfy this requirement for an exception. Staff feels that there is no aesthetic reason to grant an exception from this ordinance. The City adopts standards for development to protect the public safety and welfare and also to insure that the work done in the public right-of-way does not become a liability to the City. The Public Works Inspector stated that the work does not meet the minimum standards of the City.

2. Ordinance 14.16.020 requires permits for all work in the public right-of-way. The applicant has stated that they performed the work because they were unaware of City ordinance regulating such work. Ignorance of the laws is not a reason to violate them.

3. Ordinance 14.12.040 requires fees and bonds for all excavations (including curb cuts) done in the public right-of-way. The fees are established to off-set the costs of permit review, inspections, etc. The bond is necessary to insure that the improvements will last and reduce the liability of the City. The applicants state that they welcome an inspector to inspect the work. Without a permit and associated fee or bond, the City would be using resources without compensation. This is not fair to those parties who do obtain permits and pay all associated fees and bonds.

9.3 **Staff Recommendation.** [22:43:08](#) Based on the findings of facts, staff recommends that the Planning Commission forward a recommendation for denial of this request for the following reasons:

1. The applicants have failed to establish a valid reason for granting the exception.
2. A permit is necessary to verify that the work is done in accordance with City standards.
3. All associated fees are established to off-set the cost of inspections and to insure the quality of work.

9.4 **APPLICANT ADDRESS:**

1. **Becky Shade** [22:45:31](#). **Mrs. Shade** advised that they have not completed this work yet but their intent was to reduce the safety hazard created by having to park vehicles off their property. She asked that the Commission allow them to finish the project.
2. **Crystal Barney** [22:48:30](#). They have a one car garage and a two car wide driveway. She asked that the Commission favorably consider allowing them to keep the extra wide driveway to accommodate their vehicles on the property or suggest some way that they won't have to take out the drive approach.

9.4 **SPEAKING:** None.

9.5 **CLOSED FOR DISCUSSION OR MOTION:** **Commissioner Calacino** said that on other similar situations where driveways are connected, the driveways widen out but do not involve curb cuts. This matter is similar to a Board of Adjustment application wherein the Commission must comply with the criteria for exceptions to make a recommendation to the City Council for decision. [22:58:51](#) **Commissioner Rushton-Carlson** asked what the process was for bonding/fees. **Mr. Norris** said that the bond (cash bond, letter of credit, etc.) amount for a curb cut is a fully refundable \$1,000 bond for one year. 75% is refunded when the work is completed and the remaining 25% is

held for a one year warrantee to make sure the work is going to last. The permit fee is about \$180.00 per permit. 23:01:25 Commissioner Barbour said that the bond needs to be posted for sure. Commissioner Jensen added that this is also a place where a permit is required and if a permit would have been obtained, it would have been done correctly. A permit should still be required and they should still pay fees the same as anyone else who does this type of work on their property.

- 9.6 **MOTION:** 23:02:33 Commissioner Jensen - I would make a motion for Item E-1-05 to deny that based on the findings of fact and the fact that a permit is a requirement for anyone doing this type of a project.

SECOND: Commissioner Overson

DISCUSSION: Commissioner Rushton-Carlson 23:03:32 wondered it would be possible to grant them an exception on Items 1 and 2 to leave the driveway where it is but to require the bond and permit be obtained. Commissioner Newton had a problem with that because there is a reference under Exceptions that in cases where unusual topographical, aesthetic or other exceptional conditions or circumstances exist ... and none of those requirements apply in this instance.

VOTE: All Commissioners voted in favor of denial. Motion passes unanimously.

MEETING REVIEW - 23:07:14 Commissioner Overson gave her report from the City Council meeting she attended.

PLANNING COMMISSION BUSINESS: Election for Chair and Vice Chair. Commissioner Overson was elected as Chair and Commissioner Jensen as Vice Chair.

ADJOURNMENT: By motion of Commissioner Overson and second by Commissioner Smith, the meeting was adjourned at 11:17 p.m.

Respectfully submitted by:

Jean Gallegos, Administrative Assistant to the
Planning Commission

Approved in meeting held on